

1 Karma M. Giulianelli (SBN 184175)
2 karma.giulianelli@bartlitbeck.com
3 **BARTLIT BECK LLP**
4 1801 Wewatta St., Suite 1200
5 Denver, Colorado 80202
6 Telephone: (303) 592-3100

7 Hae Sung Nam (*pro hac vice*)
8 hnam@kaplanfox.com
9 **KAPLAN FOX & KILSHEIMER LLP**
10 850 Third Avenue
11 New York, NY 10022
12 Telephone: (212) 687-1980

13 *Co-Lead Counsel for the Proposed Classes in In*
14 *re Google Play Consumer Antitrust Litigation*

15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**IN RE GOOGLE PLAY CONSUMER
ANTITRUST LITIGATION**

RELATED ACTIONS:

Epic Games Inc. v. Google LLC et al.,
Case No. 3:20-cv-05671-JD

*In re Google Play Developer Antitrust
Litigation*, Case No. 3:20-cv-05792-JD

State of Utah, et. al., v. Google LLC, et al.,
Case No. 3:21-cv-05227-JD

*Match Group, LLC, et. al. v. Google LLC, et
al.*, Case No. 3:22-cv-02746-JD

No. 3:20-CV-05761-JD

**DECLARATION OF KARMA M.
GIULIANELLI IN SUPPORT OF
CONSUMER PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION**

Judge: Hon. James Donato

1 I, Karma M. Giulianelli, declare as follows:

2 1. I am an attorney duly admitted to practice in the State of California and
3 before this Court. I am a partner at Bartlit Beck LLP, Co-Lead Counsel for the Proposed Classes
4 in this action. I submit this declaration in support of Consumer Plaintiffs' Motion for Class
5 Certification. The contents of this declaration are based on my personal knowledge, including
6 my personal knowledge of the documents cited herein. The facts set forth herein are within my
7 personal knowledge and if called as a witness, I could and would competently testify to them.
8

9 2. Since the filing of the first consumer complaint in August 2020, proposed
10 Co-Lead Counsel, in addition to lawyers at their respective firms and firms on the Steering
11 Committee,¹ have developed the case for the benefit of consumers nationwide, including:

- 12 • Developing the theory of the case for the consumer claims;
- 13 • Hiring and coordinating with experts who have worked over the course
14 of a year and a half to develop opinions, including on antitrust injury on
15 a class wide basis, damages on a class wide basis, and technical issues
16 related to Android;
- 17 • Coordinating the ongoing review of approximately three million
18 documents produced by Google and hundreds of thousands of documents
19 produced by third parties;
- 20 • Serving written discovery, writing letters, and coordinating with counsel
21 for other MDL plaintiffs to obtain discovery from Google and third
22 parties;
23

24
25
26 ¹ Nanci Nishimura of Cotchett, Pitre & McCarthy, LLP; George Zelcs of Korein Tillery;
27 and Peggy Wedgeworth of Milberg Coleman Bryson Phillips Grossman were appointed by the
28 Court as members of the Steering Committee and Elizabeth C. Pritzker of Pritzker Levine LLP
was appointed by the Court as liaison counsel.

- Meeting and conferring with Google and third parties on discovery issues multiple times a week;
- Working in coordination with the other MDL plaintiffs to issue more than 60 third-party subpoenas;
- Taking 17 depositions of Google fact witnesses;
- Preparing for upcoming depositions of critical third-party witnesses;
- Coordinating in all aspects of discovery with counsel for other MDL Plaintiffs to ensure efficient administration of the case.

3. Attached hereto as **Exhibit 1** is a true and correct copy of the Cooperation and Joint Prosecution Agreement entered into between counsel for the Consumer Plaintiffs in *In re Google Play Consumer Antitrust Litigation*, No. 20-cv-05761-JD (N.D. Cal.) and Attorneys General for the States and District in the action *State of Utah et al. v. Google LLC et al.*, No. 21-cv-05227-JD (N.D. Cal.).

4. Attached hereto as **Exhibit 2** is a true and correct copy of the Class Certification Report of Hal J. Singer, Ph.D, which was submitted in this action on February 28, 2022.

5. Attached hereto as **Exhibit 3** is a true and correct copy of the Class Certification Reply Report of Hal J. Singer, Ph.D, which was submitted in this action on April 25, 2022.

6. Attached hereto as **Exhibit 4** is a true and correct copy of the Expert Report of Douglas Craig Schmidt, Ph.D, which was submitted in this action on February 28, 2022.

7. Attached hereto as **Exhibit 5** is a true and correct copy of the Expert Report of Dr. Michelle M. Burtis, submitted in this action on March 31, 2022.

1 8. Attached hereto as **Exhibit 6** is a true and correct copy of a document
2 produced by Google in this litigation bearing the Bates range GOOG-PLAY-001423609 to
3 GOOG-PLAY-001423610.

4 9. Attached hereto as **Exhibit 7** is a true and correct copy of a document
5 produced by Google in this litigation bearing the Bates range GOOG-PLAY-001385324 to
6 GOOG-PLAY-001385345.

7 10. Attached hereto as **Exhibit 8** is a true and correct copy of a document
8 produced by Google in this litigation bearing the Bates range GOOG-PLAY-005564421 to
9 GOOG-PLAY-005564423.

10 11. Attached hereto as **Exhibit 9** is a true and correct copy of a document
11 produced by Google in this litigation bearing the Bates range GOOG-PLAY-001075142 to
12 GOOG-PLAY-001075144.

13 12. Attached hereto as **Exhibit 10** is a true and correct copy of a document
14 produced by Google in this litigation bearing the Bates range GOOG-PLAY-001547487 to
15 GOOG-PLAY-001547488.

16 13. Attached hereto as **Exhibit 11** is a true and correct copy of a document
17 produced by Google in this litigation bearing the Bates range GOOG-PLAY-000439987.R to
18 GOOG-PLAY-000440017.R.

19 14. Attached hereto as **Exhibit 12** is a true and correct copy of a document
20 produced by Google in this litigation bearing the Bates range GOOG-PLAY-005559390.R to
21 GOOG-PLAY-005559395.R.

1 15. Attached hereto as **Exhibit 13** is a true and correct copy of a document
2 produced by Google in this litigation bearing the Bates range GOOG-PLAY-001337211 to
3 GOOG-PLAY-001337252.

4 16. Attached hereto as **Exhibit 14** is a true and correct copy of a document
5 produced by T-Mobile in this litigation bearing the Bates range GP MDL-TMO-0001831 to GP
6 MDL-TMO-0001848.

7 17. Attached hereto as **Exhibit 15** is a true and correct copy of a document
8 produced by T-Mobile in this litigation bearing the Bates range GP MDL-TMO-0002071 to GP
9 MDL-TMO-0002098.

10 18. Attached hereto as **Exhibit 16** is a true and correct copy of a document
11 produced by Google in this litigation bearing the Bates range GOOG-PLAY-003604601 to
12 GOOG-PLAY-003604604.

13 19. Attached hereto as **Exhibit 17** is a true and correct copy of a document
14 produced by Google in this litigation bearing the Bates range GOOG-PLAY-003604896 to
15 GOOG-PLAY-003604910.

16 20. Attached hereto as **Exhibit 18** is a true and correct copy of a document
17 produced by Google in this litigation bearing the Bates range GOOG-PLAY-003605103 to
18 GOOG-PLAY-003605106.

19 21. Attached hereto as **Exhibit 19** is a true and correct copy of a document
20 produced by Google in this litigation bearing the Bates range GOOG-PLAY4-002178046 to
21 GOOG-PLAY4-002178051.

1 22. Attached hereto as **Exhibit 20** is a true and correct copy of a document
2 produced by Google in this litigation bearing the Bates range GOOG-PLAY-000445443.R to
3 GOOG-PLAY-000445469.R.

4 23. Attached hereto as **Exhibit 21** is a true and correct copy of a web page
5 entitled “Android Market: Now available for users”, published on October 22, 2008, available at
6 [https://android-developers.googleblog.com/2008/10/androidmarket-now-available-for-](https://android-developers.googleblog.com/2008/10/androidmarket-now-available-for-users.html)
7 [users.html](https://android-developers.googleblog.com/2008/10/androidmarket-now-available-for-users.html) (last accessed May 24, 2022).

8 24. Attached hereto as **Exhibit 22** is a true and correct copy of a document
9 produced by Google in this litigation bearing the Bates range GOOG-PLAY-003776161.R to
10 GOOG-PLAY-003776180.R.

11 25. Attached hereto as **Exhibit 23** is a true and correct copy of a document
12 produced by Google in this litigation bearing the Bates range GOOG-PLAY-000808375 to
13 GOOG-PLAY-000808397.

14 26. Attached hereto as **Exhibit 24** is a true and correct copy of a document
15 produced by Google in this litigation bearing the Bates range GOOG-PLAY-004552342 to
16 GOOG-PLAY-004552359.

17 27. Attached hereto as **Exhibit 25** is a true and correct copy of a document
18 produced by Google in this litigation bearing the Bates range GOOG-PLAY-000292207.R to
19 GOOG-PLAY-000292230.R.

20 28. Attached hereto as **Exhibit 26** is a true and correct copy of a document
21 produced by Google in this litigation bearing the Bates range GOOG-PLAY-000832471 to
22 GOOG-PLAY-000832473.

1 29. Attached hereto as **Exhibit 27** is a true and correct copy of a document
2 produced by Google in this litigation bearing the Bates range GOOG-PLAY-006355073 to
3 GOOG-PLAY-006355074.

4 30. Attached hereto as **Exhibit 28** is a true and correct copy of a document
5 produced by Google in this litigation bearing the Bates range GOOG-PLAY-000443763.R to
6 GOOG-PLAY-000443798.R.

7 31. Attached hereto as **Exhibit 29** is a true and correct copy of a document
8 produced by Google in this litigation bearing the Bates range GOOG-PLAY4-007239946 to
9 GOOG-PLAY4-007239951.

10 32. Attached hereto as **Exhibit 30** is a true and correct copy of a document
11 produced by Google in this litigation bearing the Bates range GOOG-PLAY-000558461.R to
12 GOOG-PLAY-000558477.R.

13 33. Attached hereto as **Exhibit 31** is a true and correct copy of a document
14 produced by Google in this litigation bearing the Bates range GOOG-PLAY-000225435 to
15 GOOG-PLAY-000225436.

16 34. Attached hereto as **Exhibit 32** is a true and correct copy of a document
17 produced by Google in this litigation bearing the Bates range GOOG-PLAY-000054021 to
18 GOOG-PLAY-000054026.

19 35. Attached hereto as **Exhibit 33** is a true and correct copy of a document
20 produced by Google in this litigation bearing the Bates range GOOG-PLAY-000054039 to
21 GOOG-PLAY-000054044.

22 36. Attached hereto as **Exhibit 34** is a true and correct copy of a web page
23 entitled "Google Play Payments Policy," available at
24

1 <https://support.google.com/googleplay/android-developer/answer/9858738> (last accessed May
2 24, 2022).

3 37. Attached hereto as **Exhibit 35** is a true and correct copy of a document
4 produced by Google in this litigation bearing the Bates range GOOG-PLAY-000053875 to
5 GOOG-PLAY-000053878.
6

7 38. Attached hereto as **Exhibit 36** is a true and correct copy of a document
8 produced by Google in this litigation bearing the Bates range GOOG-PLAY-003332817.R to
9 GOOG-PLAY-003332864.R.

10 39. Attached hereto as **Exhibit 37** is a true and correct copy of a document
11 produced by Google in this litigation bearing the Bates range GOOG-PLAY-004509271 to
12 GOOG-PLAY-004509273.
13

14 40. Attached hereto as **Exhibit 38** is a true and correct copy of a document
15 produced by Google in this litigation bearing the Bates range GOOG-PLAY-000560173.R to
16 GOOG-PLAY-000560207.R.

17 41. Attached hereto as **Exhibit 39** is a true and correct copy of a document
18 produced by Google in this litigation bearing the Bates range GOOG-PLAY-000000807 to
19 GOOG-PLAY-000000815.
20

21 42. Attached hereto as **Exhibit 40** is a true and correct copy of a document
22 produced by Google in this litigation bearing the Bates range GOOG-PLAY-004588725 to
23 GOOG-PLAY-004588727.

24 43. Attached hereto as **Exhibit 41** is a true and correct copy of a document
25 produced by Google in this litigation bearing the Bates range GOOG-PLAY-000559379.R to
26 GOOG-PLAY-000559384.R.
27

1 44. Attached hereto as **Exhibit 42** is a true and correct copy of a document
2 produced by Google in this litigation bearing the Bates range GOOG-PLAY-000229696 to
3 GOOG-PLAY-000229697.

4 45. Attached hereto as **Exhibit 43** is an excerpt of a true and correct copy of
5 the deposition transcript of Lawrence Koh, taken in this litigation on December 9, 2021.
6

7 46. Attached hereto as **Exhibit 44** is a true and correct copy of a document
8 produced by Google in this litigation bearing the Bates range GOOG-PLAY-004146689.R to
9 GOOG-PLAY-004146757.R.

10 47. Attached hereto as **Exhibit 45** is a true and correct copy of a document
11 produced by Google in this litigation bearing the Bates range GOOG-PLAY-000297309.R to
12 GOOG-PLAY-000297329.R.
13

14 48. Attached hereto as **Exhibit 46** is a true and correct copy of a document
15 produced by Google in this litigation bearing the Bates range GOOG-PLAY-004253884 to
16 GOOG-PLAY-004253960.

17 49. Attached hereto as **Exhibit 47** is a true and correct copy of a document
18 produced by Google in this litigation bearing the Bates range GOOG-PLAY-001449339 to
19 GOOG-PLAY-001449344.
20

21 50. Attached hereto as **Exhibit 48** is a true and correct copy of a document
22 produced by Google in this litigation bearing the Bates range GOOG-PLAY-006359924 to
23 GOOG-PLAY-006359926.

24 51. Attached hereto as **Exhibit 49** is a true and correct copy of a document
25 produced by Google in this litigation bearing the Bates range GOOG-PLAY4-004259430 to
26 GOOG-PLAY4-004259432.
27
28

1 52. Attached hereto as **Exhibit 50** is a true and correct copy of a document
2 produced by Google in this litigation bearing the Bates range GOOG-PLAY-000860818 to
3 GOOG-PLAY-000860824.

4 53. Attached hereto as **Exhibit 51** is a true and correct copy of a document
5 produced by Google in this litigation bearing the Bates range GOOG-PLAY-007384816 to
6 GOOG-PLAY-007384819.

7 54. Attached hereto as **Exhibit 52** is an excerpt of a true and correct copy of
8 the deposition transcript of Jamie Rosenberg, taken in this litigation on February 10, 2022.

9 55. Attached hereto as **Exhibit 53** is a true and correct copy of a document
10 produced by Google in this litigation bearing the Bates range GOOG-PLAY4-000810048 to
11 GOOG-PLAY4-000810050.

12 56. Attached hereto as **Exhibit 54** is a true and correct copy of a document
13 produced by Google in this litigation bearing the Bates range GOOG-PLAY-005566485 to
14 GOOG-PLAY-005566489.

15 57. Attached hereto as **Exhibit 55** is an excerpt of a true and correct copy of
16 the deposition transcript of Paul Bankhead, taken in this litigation on May 12, 2022.

17 58. Attached hereto as **Exhibit 56** is a true and correct copy of a document
18 produced by Google in this litigation bearing the Bates range GOOG-PLAY-00565541.R to
19 GOOG-PLAY-00565562.R.

20 59. Attached hereto as **Exhibit 57** is a true and correct copy of a document
21 produced by Google in this litigation bearing the Bates range GOOG-PLAY-004506631 to
22 GOOG-PLAY-004506633.

1 60. Attached hereto as **Exhibit 58** is an excerpt of a true and correct copy of
2 the deposition transcript of Mary Carr, taken in this litigation on December 21, 2021.

3 61. Attached hereto as **Exhibit 59** is an excerpt of a true and correct copy of
4 the deposition transcript of Daniel Egerter, taken in this litigation on January 20, 2022.

5 62. Attached hereto as **Exhibit 60** is an excerpt of a true and correct copy of
6 the deposition transcript of Zachary Palmer, taken in this litigation on January 21, 2022.

7 63. Attached hereto as **Exhibit 61** is an excerpt of a true and correct copy of
8 the deposition transcript of Matthew Atkinson, taken in this litigation on March 18, 2022.

9 64. Attached hereto as **Exhibit 62** is an excerpt of a true and correct copy of
10 the deposition transcript of Serina Moglia, taken in this litigation on February 10, 2022.

11 65. Attached hereto as **Exhibit 63** is an excerpt of a true and correct copy of
12 the deposition transcript of Alex Iawmoto, taken in this litigation on February 18, 2022.

13 66. Attached hereto as **Exhibit 64** is a true and correct copy of the Resume of
14 Karma M. Giulianelli.

15 67. Attached hereto as **Exhibit 65** is a true and correct copy of the Resume of
16 Hae Sung Nam and the Kaplan Fox & Kilsheimer LLP firm.

17 68. Attached hereto as **Exhibit 66** is a true and correct copy of a web page
18 entitled “Google Policies, *Terms of Services* (eff. Jan. 5, 2022)” available at
19 <https://policies.google.com/terms> (last accessed May 25, 2022).

20 69. Attached hereto as **Exhibit 67** is a true and correct copy of a web page
21 entitled “Google Policies, *Google’s Archived Terms of Services*” available at
22 <https://policies.google.com/terms/archive> (last accessed May 25, 2022).

1 I declare under penalty of perjury under the laws of the United States of America that
2 the foregoing is true and correct. Executed on this 26th day of May, 2022 at Denver, Colorado.

3
4 /s/ Karma M. Giulianelli
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION IN SUPPORT OF CONSUMER PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION
Case No. 3:20-CV-05761-JD